1 2 3 4 5 UNITED STATES DISTRICT COURT **DISTRICT OF NEVADA** 6 7 KIMBALL D. BRANIGAN, 8 Plaintiff. 9 3:18-cv-00024-MMD-WGC ٧. DR. ROMEO ARANAS et al., **ORDER** 10 11 Defendants. 12 **DISCUSSION** 13 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections 14 15 ("NDOC"), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed 16 an application to proceed in forma pauperis. (ECF No. 1, 1-1). 17 Plaintiff's application to proceed in forma pauperis is incomplete. Pursuant to 28 U.S.C. 18 § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed in 19 forma pauperis and attach both an inmate account statement for the past six months and a 20 properly executed financial certificate. Plaintiff has not submitted a properly executed financial certificate or an inmate account statement. (See ECF No. 1). As such, the in forma pauperis 21 22 application is denied without prejudice. The Court will retain Plaintiff's civil rights complaint

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to file a new application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*.¹

(ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved.

Plaintiff will be granted an opportunity to cure the deficiencies of his application to proceed in

forma pauperis, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses

¹ Plaintiff also needs to sign the penalty of perjury page on page 3 of the application to proceed *in forma pauperis*. (See ECF No. 1 at 3).

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order, Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order, dismissal of this action may result.

IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF No. 1-1), but shall not file it at this time.

Walter G. Cobb

United States Magistrate Judge

DATED: This 22nd day of January 2018.